	Application No.	Applicant(s)
Notice of Allowability	09/996,348	CHRISTENSEN ET AL.
	Examiner	Art Unit	
	Jeffrey A. Smith	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Response filed 9/29/05 and Ex. Amend. of 12/05/05.*

2. ☒ The allowed claim(s) is/are <u>20-29</u>.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

Jeffrey A. Smith
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc Began on December 2, 2005.

The application has been amended as follows:

In the Title

The title has been changed to read as follows:

--Method for assisting a customer in building a build-to-order medical device--

In the Claims

The claims have been amended as follows:

In claim 20, at subsection "h", line 1: --device-- has been inserted after "computer".

In claim 20, at subsection "h", line 2: --;-- has been inserted after "assembled".

In claim 20, at subsection "i", line 1: --device-- has been inserted after "medical".

In claim 22, at line 2: "system" has been changed to --medical device--.

In claim 23, at line 2: --device-- has been inserted after "computer".

Claim 25 has been amended as follows:

25. (Amended) A method for assisting a customer in building a build-to-order medical device, the method comprising the steps of:

    a.   establishing communication between a customer's computer device and a web server;

    b.   providing a list of a plurality of variants for a first component for the medical device on the customer's computer device;

c. receiving from the customer a choice of one of the plurality of variants for the first component;

d. providing a second list of a plurality of variants for a second component for the medical device;

e. receiving from the customer a choice of one of the plurality of variants for the second component;

f. checking an inventory data base to determine the availability of the customer's choices for the first and second components;

g. checking a compatability data base to determine whether the customer's choices for the first and second components are compatable with each other;

h. checking an inventory to determine if the customer's components are <u>or are not</u> available ~~and if they are available and only if they are available (i) displaying on the customer's computer device a graphical representation of the build-to-order medical device as it will appear when assembled (ii) graphically animating a method of assembling the build to order medical with sufficient clarity and detail so as to enable the customer without need for further instructions to assemble the build to order medical device from the customer's choice of components~~ [[.]]<u>;</u>

i. <u>executing a computer program, said computer</u>

program comprising instructions for receiving the
determination that the customer's components are
or are not available, and instructions for, if
they are available and only if they are
available:

> (i) displaying on the customer's computer
>   device a graphical representation of
>   the build-to-order medical device as it
>   will appear when assembled, and
>
> (ii) graphically animating a method of
>   assembling the build to order medical
>   device with sufficient clarity and
>   detail so as to enable the customer
>   without need for further instructions
>   to assemble the build-to-order medical
>   device from the customer's choice of
>   components.

In claim 27, at line 2: "systemr" has been changed to
--medical device--.

In claim 28, at line 2: --device-- has been inserted after
"computer".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding claim 20

The prior art of record neither anticipates nor fairly and reasonably teaches a method for assisting a customer in building a build-to-order medical device, the method comprising, *inter alia*, the step of: graphically animating a method of assembling the build-to-order medical device with sufficient clarity and detail so as to enable the customer without need for further instructions to assemble the build-to-order medical device from the customer's choice of components.

Regarding claim 25

The prior art of record neither anticipates nor fairly and reasonably teaches a method for assisting a customer in building a build-to-order medical device, the method comprising, *inter alia*, the step of: executing a computer program, said computer program comprising instructions for receiving the determination that the customer's components are or are not available, and instructions for, if they are available and only if they are

available: (i) displaying on the customer's computer device a graphical representation of the build-to-order medical device as it will appear when assembled, and (ii) graphically animating a method of assembling the build to order medical device with sufficient clarity and detail so as to enable the customer without need for further instructions to assemble the build-to-order medical device from the customer's choice of components.

The most remarkable prior art of record is to Bienias (U.S. Patent No. 6,813,610). Although Bienias discloses a method for configuring a product assembled from a plurality of components, Bienias does not disclose a method for <u>assisting a customer in building</u> a build-to-order <u>medical</u> device comprising <u>graphically animating a method of assembling or executing a computer program comprising the instructions noted above</u>. Moreover, none of the prior art of record remedies the deficiencies found in Bienias.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey A. Smith
Primary Examiner
Art Unit 3625

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